

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of June 2, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

### **Claims Rejections – 35 USC § 103**

Claims 1-3, 5-9, 11-15, 17, and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application 2002/0188688 to Bice, *et al.* (hereinafter Bice) in view of U.S. Patent 5,926,100 to Escolar (hereinafter Escolar), and in further view of U.S. Published Patent Application 2004/0059781 to Yoakum, *et al.* (hereinafter Yoakum).

Although Applicants respectfully disagree with the rejections, Applicants have amended Claim 1 to even more clearly define the present invention. Applicants have cancelled Claims 4 and 7-18. However, Applicants are not conceding that the remaining claims as originally formulated or the cancelled claims fail to present patentable subject matter. The amendments and cancellation are solely for the purpose of expediting prosecution. Accordingly, neither the amendments nor cancellations should be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

**Aspects of Applicants' Invention**

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by amended Claim 1, is a computer-implemented method of permitting a user to remain in contact with at least one other entity while the user is unavailable or unable to communicate directly with the at least one other entity (e.g., the user is in a meeting or traveling on a plane).

The method can include subscribing a service by the user; establishing by the user a contact list comprising the at least one other entity; establishing by the user at least one service rule used for the service to contact the at least one other entity, wherein the at least one service rule defines when and how the at least one other entity in the contact list is to be contacted, and wherein the service rule is user-customizable and is followed when attempting to reach the at least one other entity; and establishing by the user at least one contact rule used for the service to contact the user after the at least one other entity has been contacted, wherein the at least one contact rule defines if, when and how the user should be contacted.

The method also can include, when the user is unavailable to initiate contact or upon being activated by the user, the service automatically contacting each entity on the contact list and eliciting specified information according to the at least one service rule; obtaining the specified information from the at least one other entity; and subsequently conveying the obtained information to the user if the at least one contact rule is satisfied.

See, e.g., Specification, paragraphs [0025] to [0027]; see also Figs. 1-3.

**The Claims Define Over The Prior Art**

As already discussed in the previous response, the present invention concerns a method of permitting a user to maintain contact with others. The method checks with

multiple individuals or entities while the user is unavailable and permits the user to determine in which instances the user will be contacted. First, the user establishes a contact list of entities with whom the user would like to remain in contact. The user then establishes service rules (such as when and how the contact in the list is to be contacted) to be followed when attempting to reach each contact in the contact list. Once the service rules have been established, the user then establishes the contact rules (such as if, when and how the user should be contacted) by which the user is to be contacted. Once the user has established the contact list, the service rules and the contact rules, the service subscribed by the user can be activated (by the user or automatically when the user is unavailable) and begins to check each contact in the list for requested information. If any information obtained qualifies as information the user wants to know about (i.e., the contact rules have been satisfied), the service contacts the user and delivers the information to the user.

Therefore, the present invention is capable of enabling a user to remain in contact with others through a service that checks contacts set up in a predetermined contact list. The contact list is then contacted and the user is contacted with the results. As such, the present invention permits the user to remain in contact with a significant number of individuals and/or entities while saving time and effort by ensuring the user is only contacted with certain information. The system and method also permits the user to remain in contact even when the user is unavailable. The present invention is especially beneficial to those who travel extensively and/or those in the medical profession. See Specification, paragraph [0008].

Bice discloses a system and process for resolving messages from application components to back-end systems. The system comprises a standardized message definition which uses a tagged field format through which application components communicate to a message handler. The message handler includes a resolver that utilizes

the information contained in the tagged fields of messages to determine correct resolution and routing of the message. The resolver applies rules that define actions to be taken and recipients of information based on the contents of the message. The rules may be pre-defined by a customer associated with an application component generating a message, based on common rules applied to components generally, or based upon service rules associated with the service provider, such as level of service subscriptions or other characteristics, or based on a combination of any or all of the above bases. By utilizing published message formats, Bice provides a platform independent framework for exposing application hosting back-end systems to customer applications. See the Abstract.

The subject matter of Bice is totally different from the subject matter of the present invention. Bice concerns a network-based automated message handling system for initiating responses to messages transmitted through the network by application components. Therefore, the message handling system of Bice passively receives messages from the application components, interprets the contents of the messages, and generates new messages to recipients. In contrast, in the present invention, the service subscribed by a user actively checks the contacts in the contact list with whom the user would like to remain in contact, determines if any information obtained from the contacts qualifies as information the user wants to know, and contacts the user and delivers the information to the user if it is determined that the information qualifies as information the user wants to know.

Bice discloses in paragraph [0059] that a contacts list tool 130, which may be implemented as a separate tool available through the portal tool or as an address book in the message handler, may be used to maintain records defining contact information associated with a hosted application. Clearly, in Bice the contact list is not established by the user because the contact list does not just include the contacts selected or

predetermined by the user, but rather includes all contact information associated with a hosted application.

Bice discloses in paragraph [0014] that the customer-defined rules may be determined through a wizard presented to a customer. The wizard may use references to other databases to determine characteristics which may be associated with a rule, such as application components to apply a given rule to, or potential recipients of a given rule such as by reference to a contacts list management tool. It is noted that the customer-defined rules as disclosed by Bice are not the service rules in the sense of the present invention. In Bice, the customer-defined message handling rules are used to identify recipients from the contents of the message. In contrast, in the present invention, the service rules define when and how the contact in the contact list is to be contacted. It is also noted that the customer-defined message handling rules of Bice are also not the contact rules in the sense of the present invention. The customer-defined message handling rules of Bice are used to identify recipients from the contents of the message. In contrast, in the present invention, the contact rules define if, when, and how the user should be contacted. Further, since in the present invention the user is the only recipient of the obtained information, there is no need to identify recipients from the contents of the message as in Bice.

The other cited references do not make up for the deficiencies of Bice as discussed above.

Accordingly, the cited references, alone or in combination, fails to disclose or suggest each and every element of Claim 1, as amended. Applicants therefore respectfully submit that amended Claim 1 defines over the prior art. Furthermore, as each of the remaining claims depends from Claim 1 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

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Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

### CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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